

Notice of Allowability

Application No.

10/068,254

Examiner

KELLY L. JERABEK

Applicant(s)

VALE ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/10/2009.
2. ☒ The allowed claim(s) is/are 1-4,6,7,10,11,13-16,18-26 and 29-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Kelly L. Jerabek/
Primary Examiner, Art Unit 2622

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Benjamin Kimes on 12/21/2009.

The application has been amended as follows:

In claim 1, lines 1-2, please delete " a data capture device" and replace it with "an image capture device".

In claim 1, line 3, please delete " a data capture device" and replace it with "an image capture device".

In claim 1, line 4, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 5, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 6, please delete "data capture device" and replace it with "image

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capture device".

In claim 1, line 8, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 11, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 13, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 15, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 19, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 20, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 22, please delete "data capture device" and replace it with "image capture device".

In claim 1, line 25, please delete "data capture device" and replace it with "image capture device".

In claim 2, line 2, please delete "data capture device" and replace it with "image capture device".

In claim 15, lines 1-2, please delete "a first device" and replace it with "an image capture device".

In claim 15, line 2, please delete "said first device" and replace it with "said image

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capture device".

In claim 15, line 4, please delete "a first device" and replace it with "an image capture device".

In claim 15, line 5, please delete "first device" and replace it with "image capture device".

In claim 15, line 6, please delete "first device" and replace it with "image capture device".

In claim 15, line 8, please delete "first device" and replace it with "image capture device".

In claim 15, line 11, please delete "first device" and replace it with "image capture device".

In claim 15, line 13, please delete "first device" and replace it with "image capture device".

In claim 15, line 14, please delete "first device" and replace it with "image capture device".

In claim 15, line 17, please delete "first device" and replace it with "image capture device".

In claim 15, line 19, please delete "first device" and replace it with "image capture device".

In claim 15, line 20, please delete "first device" and replace it with "image capture device".

In claim 15, line 22, please delete "first device" and replace it with "image capture device".

In claim 16, line 2, please delete "first device" and replace it with "image capture device".

In claim 18, line 2, please delete "first device" and replace it with "image capture device".

In claim 19, line 2, please delete "first device" and replace it with "image capture device".

In claim 21, line 2, please delete "first device" and replace it with "image capture device".

In claim 22, line 2, please delete "first device" and replace it with "image capture device".

In claim 23, line 2, please delete "first device" and replace it with "image capture device".

In claim 25, line 3, please delete "first device" and replace it with "image capture device".

In claim 26, line 4, please delete both instances of "first device" and replace them each with "image capture device".

In claim 29, lines 1-2, please delete "a data capture device" and replace it with "an image capture device".

In claim 29, line 3, please delete "a data capture device" and replace it with "an image capture device".

In claim 29, line 4, please delete "data capture device" and replace it with "image capture device".

In claim 29, line 6, please delete "data capture device" and replace it with "image capture device".

In claim 29, line 10, please delete "data capture device" and replace it with "image capture device".

In claim 29, line 11, please delete "data capture device" and replace it with "image capture device".

In claim 29, line 15, please delete "data capture device" and replace it with "image capture device".

In claim 29, line 16, please delete "data capture device" and replace it with "image capture device".

In claim 31, line 2, please delete "data capture device" and replace it with "image capture device".

In claim 32, line 2, please delete "first device" and replace it with "image capture device".

In claim 33, line 2, please delete "data capture device" and replace it with "image capture device".

In claim 33, line 2, please delete "data capture device" and replace it with "image capture device".

In claim 33, line 3, please delete "data capture device" and replace it with "image capture device".

In claim 33, line 5, please delete "data capture device" and replace it with "image capture device".

In claim 34, line 4, please delete "data capture device" and replace it with "image capture device".

In claim 35, line 1, please delete "a data capture device" and replace it with "an image capture device".

In claim 35, line 5, please delete "a data capture device" and replace it with "an image capture device".

In claim 35, line 6, please delete "data capture device" and replace it with "image capture device".

In claim 35, line 8, please delete "data capture device" and replace it with "image capture device".

In claim 35, line 12, please delete "data capture device" and replace it with "image capture device".

In claim 35, line 13, please delete "data capture device" and replace it with "image capture device".

In claim 35, line 19, please delete "data capture device" and replace it with "image capture device".

In claim 36, line 1, please delete "data capture device" and replace it with "image capture device".

In claim 36, line 4, please delete "data capture device" and replace it with "image capture device".

In claim 36, line 6, please delete "examining" and replace it with "examine".

In claim 36, line 9, please delete "instructing" and replace it with "instruct".

Allowable Subject Matter

Claims 1-4, 6-7, 10-11, 13-16, 18-26 and 29-36 are allowed.

The following is an examiner's statement of reasons for allowance:

Re claims 1-4, 6-7, 10-11, 13-14, 31 and 33-34, the prior art fails to teach or suggest, "A method facilitating transfer of information from an image capture device to a remote host device, the method comprising: establishing a connection between an image capture device and a pipeline device; determining, by the image capture device, whether the pipeline device is configured to transfer information from the image capture device to a remote host device that is capable of communication with said image capture device via the pipeline device; **if the pipeline device is not configured to transfer the information, automatically sending a driver from the image capture device to the pipeline device and installing the driver on the pipeline device, wherein the driver enables the pipeline device to transfer the information;** automatically establishing a wireless network connection between the image capture device and the remote host device, wherein the pipeline device enables communication between the image capture device and the remote host device without user installation

of dedicated software on the pipeline device or the remote host device for enabling said communication, wherein said image capture device is preconfigured to establish the wireless network connection with the remote host device via the pipeline device upon establishing the connection with the pipeline device; upon establishing the wireless network connection, automatically verifying that the wireless network connection has been established between said image capture device and said remote host device and automatically initiating a transfer of information from said image capture device, through said pipeline device, to said remote host device; automatically providing notification that said transfer of information from said image capture device, through said pipeline device, to said remote host device is in process; and automatically providing notification of successful completion of said transfer of information by one of illumination or extinguishing of a light on said image capture device, wherein automatically sending the data from the image capture device to the pipeline device comprises: determining, by the image capture device, at least one application or driver associated with the pipeline device, wherein the at least one application or driver is stored on the image capture device.

Re claims 15-16, 18-26 and 32, the prior art fails to teach or suggest, "A method facilitating transfer of information from an image capture to a second device capable of communicating with said image capture device, the method comprising: establishing a connection between an image capture device and a pipeline device; determining, by the data capture device, whether the pipeline device is configured to transfer information

from the data capture device to a second device; **if the pipeline device is not configured to transfer the information, automatically sending a driver from the image capture device to the pipeline device and installing the driver on the pipeline device, wherein the driver enables the pipeline device to transfer the information**; establishing a wireless network connection between the image capture device and the second device via the pipeline device, wherein the pipeline device enables communication between the image capture device and the second device without user installation of dedicated software on the pipeline device or the second device for enabling said communication, wherein said image capture device is preconfigured to establish the wireless network connection with the second device via the pipeline device upon establishing the connection with the pipeline device; upon establishing the wireless network connection between the image capture device and the second device, automatically providing notification of the establishment of connectivity between said image capture device and said second device, enabling immediate automatic initiation of a transfer of information from said image capture device to said second device through said pipeline device; upon initiation of a transfer of information from said image capture device to said second device, automatically providing feedback while said transfer of information is in process; and automatically providing notification of completion of said transfer of information".

Re claims 29-30, the prior art fails to teach or suggest, "A method facilitating transfer of information from an image capture device to a host device, the method

comprising: **upon establishing a wireless network connection between an image capture device and a host device that is capable of communicating with said image capture device, automatically sending at least one of a driver or an application that is executable on the host device from the image capture device to the host device and installing the at least one of the driver or the application on the host device, wherein the at least one of the driver or the application enables the host device to transfer the information;** automatically verifying that the wireless network connection has been established between said image capture device and said host device and automatically initiating an immediate transfer of information from said image capture device using at least one of said driver or said application; automatically providing notification that said transfer of information is in process; automatically providing notification of successful completion of said transfer of information by one of illumination or extinguishing of a light on said image capture device; and automatically deleting said information from said image capture device upon successful completion of said transfer".

Re claims 35-36, the prior art fails to teach or suggest, "An image capture device, comprising: a memory to store instructions for transferring digital content to a remote server; and a processor, connected with the memory, to execute the instructions, wherein the instructions cause the processor to: **upon establishing a wireless network connection between an image capture device and a host device that is capable of communicating with said image capture device, automatically send at**

least one of a driver or an application that is executable on the host device from the image capture device to the host device and install the at least one of the driver or the application on the host device, wherein the at least one of the driver or the application enables the host device to transfer the information;

automatically verify that the wireless network connection has been established between said image capture device and said host device and automatically initiate an immediate transfer of information from said image capture device using at least one of said driver or said application; automatically provide notification that said transfer of information is in process; automatically provide notification of successful completion of said transfer of information by one of illumination or extinguishing of a light on said image capture device; and automatically delete said information from said image capture device upon successful completion of said transfer".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-

7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached at **(571) 272-3022**. The fax phone number for submitting all Official communications is **(571) 273-7300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kelly L. Jerabek/
Primary Examiner, Art Unit 2622